

ITEM 9-B

PLANNING BOARD STAFF REPORT

DATE: April 25, 2011

TO: HONORABLE PRESIDENT AND MEMBERS OF THE
PLANNING BOARD

FROM: Simone Wolter, Planner
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APPLICATION: **Use Permit – PLN11-0040 – 1408 A/B, 1410, 1412, 1414, 1418, 1420, and 1504 Encinal Avenue – Jawad Jaber.** Review of a Use Permit for the operation of a variety of businesses in several retail spaces facing the public right of way, such as 1) coffee shop, 2) office space, 3) retail and 4) restaurant and 5) additional uses in a C-1, Neighborhood Business District. Pursuant to AMC 30-4.8.c.2 and 30-4.8.c.4 a Use Permit is required for the operation of businesses that are not permitted by right in the C-1, Neighborhood Business District.

ZONING DISTRICT: C-1, Neighborhood Business District

GENERAL PLAN: Neighborhood Business

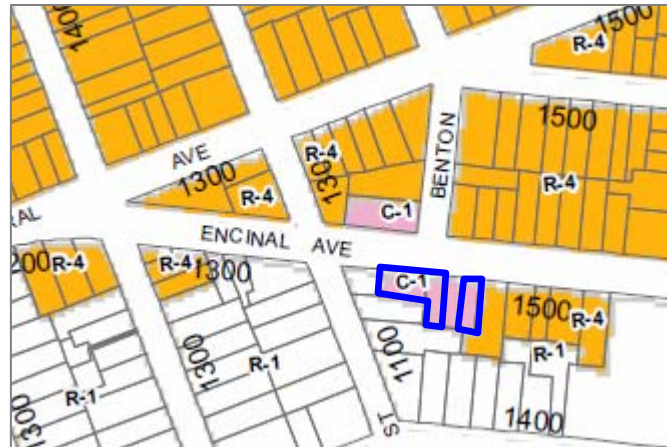
ACRONYMS: AMC, Alameda Municipal Code
C-1, Neighborhood Business District

EXECUTIVE SUMMARY

The applicant requests Use Permit approval for uses that are located in the former Morton Street Station along Encinal Avenue. The Morton Street Station has several retail and business spaces fronting along both sides of Encinal Avenue between Morton and Benton Streets. The applicant proposes specific uses, such as office, restaurant, coffee shop, and others that would be permitted pursuant to Use Permit conditions. This will enable existing and future tenants to conform to the C-1, Neighborhood Business District.

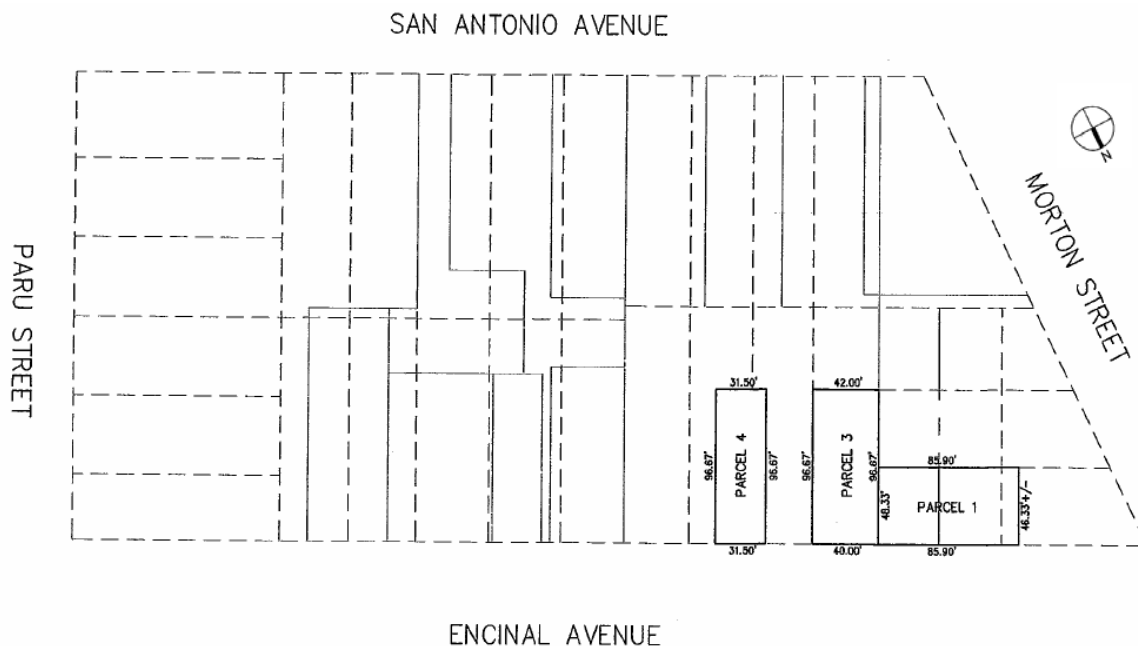
BACKGROUND

Morton Street Station, the area bounded by Benton and Morton Streets on Encinal Avenue, highlighted in pink and labeled with C-1, Neighborhood Business District, once was a stop with bustling commercial businesses that surrounded the Morton Street streetcar stop.



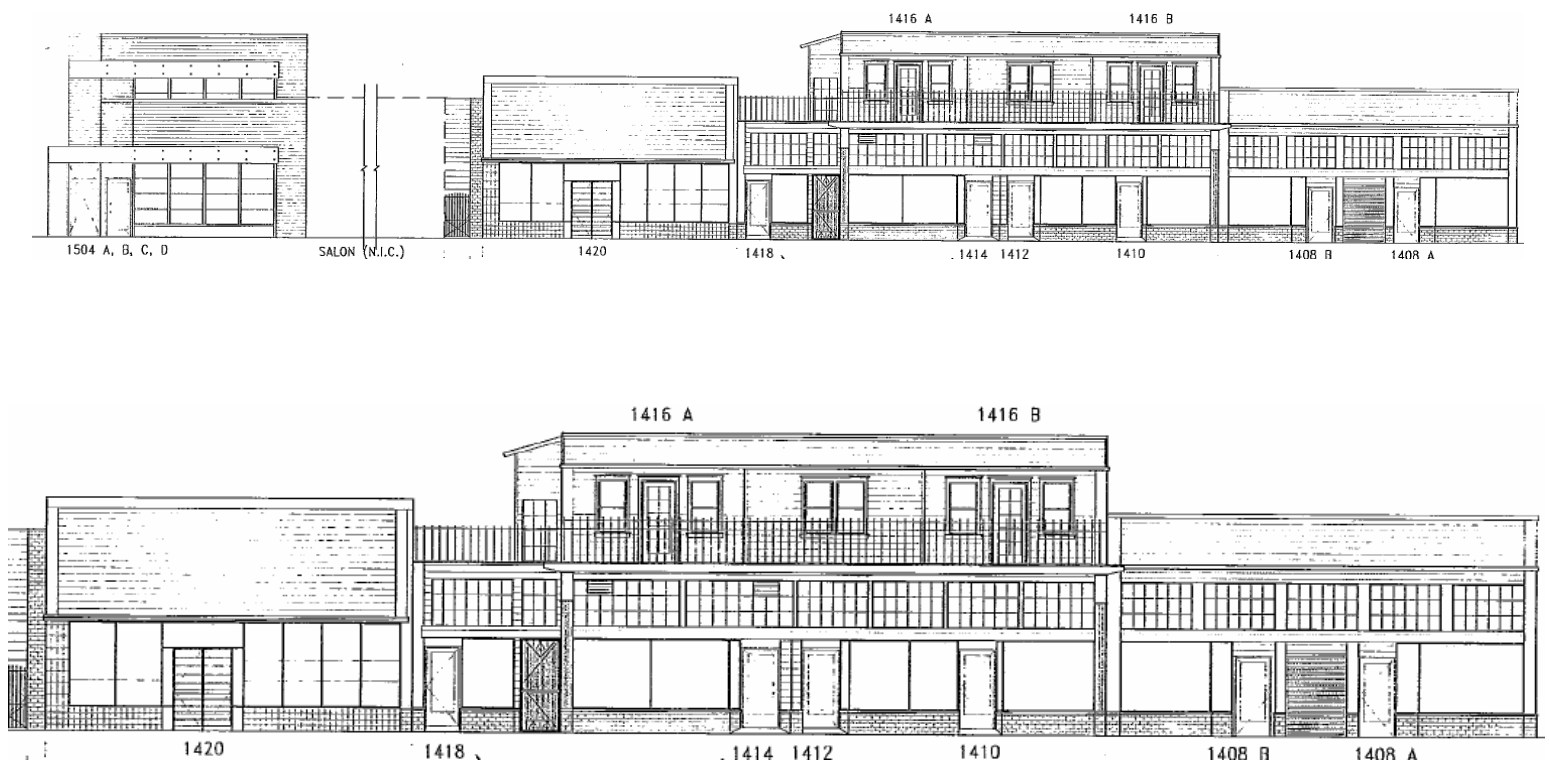
Today, this small commercial node is comprised of an existing coffee shop, beauty salons, a convenience store focused on organic foods, a tavern, a restaurant, and professional office space, as well as retail spaces.

The applicant proposes to increase the leaseability of the commercial spaces, as shown on the blue outline above, by proactively securing a Use Permit for selected uses that require Use Permits pursuant to the Zoning Code. A 'master' Use Permit for the following contiguous business spaces will allow existing non-conforming commercial uses to come into conformance with the Zoning Code and will also allow future, compliant uses to locate here without a entitlement process for each tenant.



The structures on parcel 1 and 3 were built prior to 1942, but only one structure was listed as a (H) resource on the Historic Study List (1412 Encinal Ave). An H resource is the lowest classification on the list and it denotes that the resource may have historical importance because of its similarity to other buildings, or may have architectural importance because of its similarity to other buildings done by important architects and/or builders. The structure on parcel 4 was built in 1986. Most recently, a Façade Grant was awarded for the rehabilitation of the facades along the south side of Encinal Avenue in 2011. An integrated sign program was also approved in February 2011. No changes to the residential units is proposed.

Morton Street Station - storefronts on south side of Encinal Avenue



The spaces are currently mostly occupied:

- 1504 Encinal Ave: Office, multi-tenant
- 1420 Encinal Ave: A-1 Grocery, organic produce convenience store
- 1414& 1418 Encinal Ave: Jay's Café, café and bakery
- 1412 Encinal Ave: In-Style Salon, beauty services and supplies
- 1410 Encinal Ave: Little Joe's Restaurant, dine-in & take-out restaurant
- 1408B Encinal Ave: Chiropractor
- 1408A Encinal Ave: Vacant

STAFF ANALYSIS

The applicant seeks approval that would allow the following uses in the subject tenant spaces (1408 A/B - 1420 and 1504 Encinal Avenue):

	Addresses on Encinal Avenue								
	1408B	1408A	1410	1412	1414	1418	1420	1504 lower units	1504 upper units
Square Feet per unit	870	870	621	621	832	589	1,812	A: 965 B: 965	C: 496 D: 496
Proposed Uses to be permitted a Use Permit									
Professional offices for accountants, architects, artists, attorneys, doctors and dentists, chiropractors, engineers, insurance agencies, real estate offices, optometrists	Yes	Yes	Yes	Yes	Yes	Yes	Yes	A: Yes	C: Yes
								B: Yes	D: Yes
Medical Laboratories (i.e. phlebotomists)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	A: Yes	C: No
								B: Yes	D: No
Restaurants, snack bars, lunch counters, and coffee shop (but no drive-ins)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	A: Yes	C: No
								B: No	D: No
Convenience food stores	No	No	No	No	No	No	Yes	A: No	C: No
								B: No	D: No
Those portions of grocery stores devoted to the sale of alcoholic beverages	No	No	No	No	No	No	Yes	A: No	C: No
								B: No	D: No

Use Mix

This commercial node has been in continuous use with retail and service oriented businesses since the turn of the century. As such, the neighborhood is well adapted to the commercial nature of this node. While three of the existing uses currently require a use permit, but do not have one on file, the uses have been in operation for several years without complaints registered by the police department.

Staff recommends that the Use Permit have a condition requiring that each future business proposing to locate to this location obtain a Zoning Compliance Determination prior to obtaining a Certificate of Occupancy. This level of review will allow planning staff to determine the actual noise, light, traffic and other impacts to the neighborhood and the other businesses of Morton Street Station.

A Zoning Compliance Determination application is processed by staff and evaluates the proposed use for compliance with the Use Permit Conditions of Approval, regular Zoning regulations, and parking impacts. A Certificate of Occupancy is a permit issued by the Building Division of the Community Development Department and certifies that the structure meets applicable public safety and building code requirements.

Parking Demand

There is limited on-street parking available along Encinal Avenue. Parking spaces are limited to two hour parking periods. No off-street parking can be provided given the site configurations with a continuous building façade and no vehicle access to the rear of the parcels.

The AMC sections 30-7.2.c and d require that accessory parking be provided on site in cases where the proposed use meet one of the following:

- c. For any expansion of existing nonresidential buildings, which in any ten (10) year period would either, (i) be more than twenty-five (25%) percent of the existing gross floor area, or (ii) require five (5) or more additional parking spaces as determined by the provisions of subsections 30-7.5 and 30-7.6.
- d. For any change of use, number of employees, or seating capacity of any existing building less than ten (10) years old which is changed in a manner that would require twenty (20%) percent or five (5) or more, additional off-street parking spaces as determined by the provisions of subsections 30-7.5 and 30-7.6

The three structures located on the subject parcels were constructed in 1910, 1939 and 1986. This makes all structures older than 10 years, in which case the proposed uses' parking would not likely trigger having to add parking, unless the use exceeds the thresholds listed above.

As stated above the potential for traffic and parking impacts on Morton Street Station would be reviewed through a Zoning Compliance Determination process that would be required prior to submitting for a Certificate of Occupancy.

FINDINGS

1. The location of the proposed uses are compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.

The immediate Morton Station area is zoned C-1, Neighborhood Business district, surrounded by an R-4, Neighborhood Residential zoning district. The C-1 district allows for uses that would serve the residential areas with convenient shopping and service facilities. The proposed uses would be suitable uses to serve the surrounded neighborhood.

With the exception of 1504 Encinal Avenue, all structures were built prior to 1942. While the Façade Grant Program and sign program will upgrade the exterior of the structures, there are no other alterations proposed at this time. The existing architectural compatibility will not be compromised or altered.

2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.

The subject site is located on a major arterial. On-street parking for small neighborhood serving businesses is available. AC Transit lines 0 and 51 A on Santa Clara Avenue are within a two block radius from Morton Station. The continuing commercial use will have no impact on existing transportation facilities.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.

Pursuant to AMC 30-20.2, "if no structural alterations are made, a nonconforming use of a building may, upon approval of a use permit be changed to another nonconforming use of the same or more restricted use classification." Allowing the proposed commercial uses, permitted in the C-1 zoning district with a use permit, is not expected to cause parking demands that would conflict with the existing businesses or the adjacent residential uses. The neighborhood businesses and residents may benefit from new businesses that would be allowed. The operation of the designated low intensity uses is unlikely to cause noise, light, or sound impacts that would adversely affect other property in the vicinity.

In addition, this use permit would legalize the operation of three uses (restaurant, coffee shop, and chiropractic office) that have been in operation for several years without noticeable impacts on the surrounding neighborhood. Obtaining a 'Master Use' permit that would allow not only legalize these uses but would also facilitate the location of small, neighborhood serving uses. With the condition of approval that all future tenants and business operations obtain a zoning compliance determination prior to occupation of the space, planning staff will be able to assess the business traffic, noise, light and impacts. If any of the new uses exceed the listed performance standards, they will not be able to utilize the Master Use Permit process in place at this location.

4. The proposed use relates favorably to the General Plan.

General Plan guiding policy 2.5.f calls for small stores that attract mainly pedestrian traffic and can be acceptable neighbors for nearby residents. The proposed uses will also help Alameda to realize its full retail sales potential as stated in guiding policy 2.5.b.

Conditions of Approval

1. Permitted uses shall be limited to listed uses in the C-1, Neighborhood Business District as listed in AMC 30-4.8 b and as listed in the table shown:

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Medical Laboratories (i.e. phlebotomists)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	A: Yes	C: No
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								B: No	D: No
Those portions of grocery stores devoted to the sale of alcoholic beverages as existing	No	No	No	No	No	No	Yes	A: No	C: No
								B: No	D: No

2. Any future tenant is required to obtain a Zoning Compliance Determination prior to the Certificate of Occupancy. The future tenant is required to demonstrate the type of business, number of employees on site, square footage of the tenant space used for the business components (i.e. storage, retail floor area, office area, etc.), and hours of operation.
3. Any future tenant is required to obtain a Certificate of Occupancy from the Building Division of the Community Development Department.
4. Office use shall conform to standards as listed in AMC 30-4.8 (2)(r).
5. Business hours shall be limited to 7 AM to 10 PM, unless a Use Permit is obtained for extended hours of operation from the Planning Board or Zoning Administrator.
6. All new and replaced business signs shall meet the Morton Street Sign Program and building permit requirements (if applicable).
7. Revocation: This Use Permit may be modified or revoked by the Planning Board pursuant to Alameda Municipal Code Section 30-21.3d should the

Planning Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.

8. Expiration: The Use Permit approval shall expire two (2) years after the date of approval or by April 25, 2013 unless the uses of the properties on 1408 A/B through 1520 Encinal Avenue have commenced. The applicant may apply for a time extension beyond April 25, 2013 not to exceed two (2) years, which is subject to approval by the Planning Board and must be filed prior to the date of expiration.

ENVIRONMENTAL REVIEW

This project is exempt from environmental review pursuant to the Guidelines for the California Environmental Quality Act (CEQA) Section 15301 – Existing Facilities, because the project involves a negligible expansion of uses on site.

PUBLIC NOTICE

A notice for this hearing was mailed to property owners and residents within 300 feet of this site, published in the Alameda Journal and posted at the subject property. Staff has not received any public comments on this project.

RECOMMENDATION

Find the project Categorically Exempt from CEQA and approve Use Permit PLN11-0040.

RESPECTFULLY SUBMITTED BY:



SIMONE WOLTER
PLANNER

REVIEWED BY:

MARGARET KAVANAUGH-LYNCH
PLANNING SERVICES MANAGER

Attachment(s):

1. Resolution
2. Site Plan
3. Public Notice Map